IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6269 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MINAXIBEN GUNVANTBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MR RK MISHRA for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 27/07/2000

ORAL JUDGEMENT

Rule. Mr.Mishra waives service of rule for the respondent.

In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ directing the Regional Passport Officer to correct the mistakes in the petitioner's passport. The first mistake is about the birth date. Earlier, the petitioner has given her birth date as 1.5.1963 on the basis of school leaving certificate. Now, it is pointed out that the petitioner's correct birth date is 2.1.1964 as reflected in the birth certificate issued by the Deva Vanta Village Gram Panchayat in Petlad Taluka, Kheda District. The second mistake is in the place of birth. Earlier, the place of birth was shown as village Roon in Petlad Taluka on the basis of entry in the school leaving certificate. However, now it is pointed out that the petitioner was born at village Deva Vanta in Petlad Taluka, Kheda District as certified by the Deva Vanta Gram Panchayat.

2. The birth certificate shows that a daughter of Gordhanbhai Shankerbhai Patel was born on 2.1.1964 at village Deva Vanta. Affidavits are also filed by Ramanbhai Shankerbhai Patel and Mrs.Lalitaben Raojibhai Patel on 30.8.1996 to the effect that the petitioner was born at village Deva Vanta on 2.1.1964. The petitioner's name was not mentioned in the birth certificate as the petitioner was not given any name at that time.

3. In view of the above material which is produced at the hearing before this Court today, the Regional Passport Officer is directed to consider the petitioner's application for change of her birth date and change of her birth place in the passport in accordance with law on the basis of material which shall be produced before him, more particularly the birth certificate issued by Deva Vanta Gram Panchayat, within a period of four weeks from the date of receipt of a certified copy of this order.

4. In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

6. Since the respondent is not responsible for the mistakes in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within three weeks from today. Direct service is permitted.

27.7.2000 (M.S.SHAH,J)